

23rd September 2011

The Commission for Energy Regulation,
The Exchange,
Belgard Square North,
Tallaght,
Dublin 24.

File: Govt/CER

For the attention of Eamonn Murtagh

Re: Response to Consultation Paper CER/11/137
High Level Design of the Petroleum Safety Framework

Dear Sir,

PSE Kinsale Energy Limited (KEL) has reviewed the above referenced Consultation Paper and we wish to confirm that we support the principles outlined in the proposed Safety Framework. We do have some concerns and comments with regard to particular aspects and have included these in the questionnaire which is returned herewith. We have also reviewed and support the IOOA submission on the Safety Framework.

In addition to the questionnaire responses attached, we would like to highlight some issues of particular concern to KEL.

1. Overlap with Gas Storage Safety Case Regime.

KEL have already submitted and CER have approved, a Safety Case for the offshore facilities associated with the Southwest Kinsale Gas Storage Development. We would request CER to confirm that the status of this Safety Case will remain unchanged under the proposed new arrangements and, in particular, that the basis of approval will not be revised.

We recognise that the scope of the existing Safety Case may have to be extended to include facilities not currently covered, but propose that this can be addressed by an addendum or by a stand-alone Safety Case for the additional facilities.

2. Project Design Approval

We note that there is extensive reference in the Consultation Paper to the preparation of Safety Cases for 'Concept Design' and 'Provisional Well Design'. We strongly believe that the implementation of a formal Safety Case regime at an early stage of design development will be unduly onerous and may be counterproductive.

Requiring approval of a concept safety case is likely to result in more detailed work on multiple concepts than would otherwise be the case and result in significant additional lead times to development. It is worth noting that only one of the international regimes evaluated applies a concept safety case and many do not even require a design safety case.

Instead we would propose that a developer would consult with the CER upon completion of the concept phase, detailing the range of concepts evaluated and why the final concept was chosen and capturing any feedback from the CER for incorporation into the design safety case.

With regard to review of well designs, we would propose that the existing procedures used by DCENR are adequate, whereby a 'Generic Well' proposal, which does not require approval, is used as a consultation document prior to submission of a final well plan. This would also be consistent with the approach outlined above for concept design.

3. Interfaces with other State Agencies

Interface and overlap between the CER and other Regulatory Authorities is a key issue in relation to the efficient and effective functioning of the proposed Petroleum Safety Framework.

If the intent of the legislation is that the CER shall have the responsibility to adjudicate on major accident hazards for an upstream development than it should have that responsibility exclusively and other authorities should not become involved in the assessment of major accident hazards. This is an essential point and if it is necessary, then legislation amending the specific legal functions of other authorities should be introduced so there is absolute clarity on this issue and that responsibilities of all regulatory agencies involved in the permitting process are clearly defined and unambiguous. A key deliverable of introducing the framework must be to ensure that the overall process works more efficiently and that anomalies and overlaps (in timing, administration and scope) in the upstream permitting regime are addressed.

Notwithstanding the above, there will necessarily be a high level of interfacing and co-ordination with other State Agencies and appropriate arrangements must be put in place to ensure this works efficiently. KEL is also strongly of the view that existing resources and expertise should be used wherever possible and that this can be done within the objectives of the proposed Framework.

4. Costs

S.4 of the PEES Act provides for the CER to impose a levy on petroleum undertakings "for the purposes of meeting expenses properly incurred by the commission...." It is not clear how the cost of operating the framework will be managed and that if costs are to be levied on the industry they must be reasonable and transparent. Given the comments regarding technical resourcing above, KEL would be opposed to reimbursing the CER for duplicating resource costs, when similar resources maybe available within other State Agencies.

We note that the CER are available to meet to discuss submissions and we therefore request such a meeting preferably in the week of October 10th. If there are any queries in the meantime, please contact the undersigned.

Yours sincerely,



Fergal G Murphy
Chief Executive Officer

Encl.



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

**Consultation Questions (in Microsoft Word format)
from the Consultation Paper on the High Level
Design of the Petroleum Safety Framework**

DOCUMENT TYPE:	Consultation Paper Questionnaire
REFERENCE:	CER/11/137B
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RESPONSES TO:	Eamonn Murtagh
RESPONSE FROM:	KINSALE ENERGY 23/9/'11

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List of Consultation Questions

The following list of questions was included in the Consultation Paper on the High Level Design of the Petroleum Safety Framework (CER/11/137) as Appendix III. The aim of this document is to facilitate the process of responding to the Consultation Paper by allowing respondents to electronically complete the questionnaire.

Respondents are invited to complete the table to indicate their position on the questions being asked. Respondents should outline YES or NO answers to each of the questions listed. If you have a further comment which will clarify your answer, this should be included in the Comments box.

Please note respondents are in no way obliged to respond to the questionnaire provided and are welcome to submit comments in their preferred format. However when preparing responses respondents should indicate which question or proposal their text refers to.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
Section 4. Proposed Scope & Components of the Framework				
1.	Please comment on the CER proposal to define the scope of the Petroleum Safety Framework to include all of the CER's functions under Part IIA of Act?			No Comment
2	Please comment on the CER proposals to have a specific focus upon major accident hazards for the safety regulation of designated petroleum activities under Part IIA of the Act.			4.2 Definition of "major accident hazard" should be reviewed/refined to be consistent with that used by other State Agencies e.g. HSA. Possible overlap with COMAH regs for some (onshore) sites e.g. gas processing terminals, storage facilities – who is primary authority?
3.	Do you agree with the proposed definition of major accident hazard, set out in section 3.2.2.3, in the context of the CER safety regulation of designated petroleum activities? Please comment.		No	3.2.2.3 Definition of "major accident hazard" should be more clearly defined in section 3.2.2.3, as definition given in this section is referenced a number of times in the document. Should define in this section what "serious danger to people" and "serious danger to property" means.
4.	Do you agree with the CER's proposed approach to carry out its function to monitor compliance by petroleum undertakings' with their general duty in co-operation with other existing statutory authorities?	Yes		4.2 How will duty of co-operation be recorded e.g. interface / bridging documents?
5.	Please comment on CER proposals for the main components of the Framework as: a) A Statement of Strategic Intent;	Yes		Suggest Item b) should be re-titled "Risk Assessment Guidelines", to capture both qualitative and quantitative approaches.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	b) ALARP Demonstration Guidance; c) Agreed Interfaces, Co-operation & Co-ordination with Regulatory Authorities; d) A Permissioning System; e) A Compliance Assurance System; f) An Incident Investigation System; g) An Enforcement System; h) A Safety Reporting and Published Safety Information System; and i) A Continuous Improvement System.			
6.	Are there additional high level components which the CER should consider for inclusion within the Framework?		No	See response to Q5
Section 5: Strategic Intent of Petroleum Safety Framework				
7.	Do you agree that the proposed vision for the Framework should be: <i>A safe Irish petroleum exploration and extraction industry.</i>		No	5.1.1 The vision and mission should include a reference to the environment. It is possible that a major accident could involve significant damage to the environment without causing injury e.g. major oil spill incident. Failure to reference the environment could engender a perception in the public that preventing major environmental accidents is not a priority for the State.
8.	Do you agree that the proposed mission statement for the Framework		No	5.1.2 The vision and mission should include a

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	<p>should be:</p> <p><i>To independently regulate petroleum exploration and extraction activities to protect life.</i></p>			reference to the environment. It is possible that a major accident could involve significant damage to the environment without causing injury e.g. major oil spill incident. Failure to reference the environment could engender a perception in the public that preventing major environmental accidents is not a priority for the State.
9.	<p>Please comment on the proposed five key roles of the CER under the Framework as follows:</p> <ol style="list-style-type: none"> 1. <i>Foster and encourage safety in petroleum exploration and extraction activities;</i> 2. <i>Actively monitor & enforce compliance of petroleum undertakings with their obligations;</i> 3. <i>Promote a regulatory framework that encourages continuous improvement of safety;</i> 4. <i>Work with other authorities to achieve our vision; and</i> 5. <i>Provide safety information to the public.</i> 	Yes		<p>5.1.3 Sub-section 5 'Providing safety information to the public' in document states: "<i>Achieving transparency is a legitimate outcome for the CER, provided that of itself it does not compromise any other obligation (e.g. commercial confidentiality, security etc.) on the CER or another relevant statutory authority with whom it cooperates in the fulfilment of its duties</i>".</p> <p>Comment: It should also be acknowledged that in achieving this transparency, the security, commercial confidentiality, etc. of petroleum industry should not be compromised.</p>
10.	Are there additional CER roles which should be set out in defining the strategic intent of the Framework?		No	No Comment
11.	Please comment on the proposed three regulatory goals for the	Yes		5.1.4 What KPIs will CER use to monitor and

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	<p>Framework:</p> <ol style="list-style-type: none"> 1. <i>That petroleum undertakings reduce risks to safety to a level that is ALARP;</i> 2. <i>That petroleum undertakings achieve safety performance commensurate with the best internationally; and</i> 3. <i>Engender confidence that the regulatory framework is protecting the public.</i> 			compare with internationally? Frequency of reporting to CER?
12.	Are there additional high level regulatory goals which should be set out in defining the strategic intent of the Framework?	Yes		<p>5.1.4 It is vital that the CER should accept as part of its high level goals an obligation to ensure that properly submitted safety cases are dealt with in a timely manner and without delay. Failure to do so will reduce further the low confidence of the industry in the already tortuous Irish permitting system and potentially dissuade companies from engaging in exploration activities.</p> <p>A goal addressing this issue could be phrased along the lines of the following: “That the CER achieve permitting turnaround times commensurate with best international practice”</p>
Section 6: ALARP				
13.	Please comment on whether you consider the proposed basis of assessment that risk has been reduced to a level that is ALARP (as	Yes		6.3.1 Major Accident Hazard definition (as provided in Section 3.2.2.3) includes serious danger to property. What are the criteria to demonstrate

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	summarised in Figure 7) to be appropriate.			that risk to property is ALARP.
14.	<p>Please comment on whether you consider it appropriate to set upper limits of tolerability for the following risk metrics relating to petroleum activities:</p> <ul style="list-style-type: none"> • Individual risk to workers; and • Individual risk to members of the general public. 	Yes		<p>6.1.5: Quantification of risk criteria proposed needs to distinguish between</p> <ul style="list-style-type: none"> • Individuals at work at the site • Other individuals • Society (or public at large) <p>A clear distinction should be made between workers at a site (who can exercise choice) and other members of the public who may be (unwillingly or accidentally) exposed to a risk. Definitions of individual and societal risk should be compatible with existing guidelines for individual installations in Ireland (e.g. HSA LUP Guidelines)</p>
15.	Should societal risk be addressed within the Petroleum Safety Framework? If so, should it be treated implicitly and/or explicitly?	Yes		See response to Q14
16.	Are there any other risk metrics which you consider should be adopted for the control of risks generated by designated petroleum activities?	Yes		Process Safety Metrics should be included as leading indicators of potential problems
17.	Do you consider it reasonable for the CER to align proposed risk criteria introduced under the Petroleum Safety Framework with criteria adopted by the HSA for land-use planning purposes?	Yes		6.4.3 For onshore premises that fall under the Petroleum Safety framework and also are a Seveso site, 1) does Safety Case submitted to CER suffice in meeting the requirements under

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				<p>the Seveso regs to submit a Safety Report to HSA.</p> <p>2) Is there duplication between the roles of HSA as Seveso competent authority and CER-how will this be addressed?</p>
18.	<p>Please comment on whether you consider the Petroleum Safety Framework should introduce a lower ALARP limit in terms of individual and societal risk. If so, whether the lower limit should be:</p> <ul style="list-style-type: none"> • left to the petroleum undertaking to set; or • advisory? 		No	The lower risk threshold should be left to the petroleum undertaking to set according to circumstances
19.	<p>If upper limits are introduced for either individual or societal risk, please comment on whether the limits should be:</p> <ul style="list-style-type: none"> ▪ left to the petroleum undertaking to set; ▪ advisory; or ▪ mandatory? 	Yes		Explicit limits should be stated which are necessary for demonstration of ALARP; these limits should be in accordance with established standards
Section 7: Permissioning System and Designated Petroleum Activities				
20.	<p>Having regard to the requirements of the Act, please comment on the CER's proposed criteria for the designation of petroleum activities and associated infrastructure as follows:</p> <p>In order to be designated, a petroleum activity is required to meet each of the following criteria:</p>	Yes		7.1.2 Point (iii) of question 20 uses the term "physically connected to", section 7.1.2.2, pg. 54, of the consultation document uses the term "directly connected". These terms could be interpreted differently.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	<ul style="list-style-type: none"> (i) the activity and associated infrastructure requires a petroleum authorisation. (ii) the activity has the potential to generate petroleum related major accident hazards. (iii) the activity and associated infrastructure is connected to, or has the potential to be physically connected to, the reservoir; and (iv) The petroleum activity is not entirely regulated by or under another Act of the Oireachtas and its designation allows for the optimum operation of the permissioning regime 			
21	Respondents' views are invited as to the specific application of the designation criteria to the construction and installation of petroleum infrastructure.	Yes		<p>MVM</p> <p>We agree with the approach proposed i.e. construction and installation activities should not be designated (with the exception of well construction – See Q22)</p>
22.	Please comment on the application of the proposed designation criteria to exploration activities.	Yes		Agree with proposed designation, but definition of wells/well operations should be made more clear
23.	Please comment on the application of the designation criteria to extraction activities.	Yes		<p><i>Reservoir Exploitation:</i></p> <p>Suggest simplifying this category to “all wells and associated production facilities” to avoid any doubt as to what categories of wells are to be included.</p> <p>Will this include gas storage wells?</p> <p><i>Processing:</i></p> <p>For ship based processing, it should be made clear</p>

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				whether or not Safety Case will apply to areas already covered by Marine Certification e.g. ship stability, seaworthiness.
24.	Please comment on application of the designation criteria to conveyancing activities.		No	Are “terminals” included under “conveyancing” i.e. facilities for the reception/onward transhipment of product, but which have no processing. [e.g. Inch Terminal] What about compression stations at landfall facilities?
25.	Please comment on application of the designation criteria to decommissioning activities.	Yes		7.1.3.5 Once all of a platform’s, or subsea installation’s wells, have been permanently abandoned there is no longer any connection or potential connection to the reservoir. Does it follow therefore, based on the CER’s criteria for designation, that decommissioning activities post well abandonment would not be designated?
26.	Please comment on the CER’s proposed approach to dealing with connected activities within the appropriate safety case rather than designation of such supporting activities.	Yes		Agree with approach
27.	Please comment on the six proposed principles underpinning the design of the permissioning system.		No	7.2.2 We do not support the requirement for a concept safety case. Concept work by its nature is high level and choice of concept tends to be driven by fundamental criteria e.g., fluid type, reservoir pressure/depth, water depth, environmental constraints, economic

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				<p>viability issues etc. Assuming the components of any given concept are already operational in other jurisdictions then by definition it should be possible to ensure that the risks associated with the chosen concept can be designed to be within the broadly acceptable or ALARP region. Requiring approval of a concept safety case is likely to result in more detailed work on multiple concepts than would otherwise be the case and result in significant additional lead times to development. It is worth noting that only one of the international regimes evaluated applies a concept safety case and many do not even require a design safety case.</p> <p>Instead we would propose that developer would consult with the CER upon completion of the concept phase, detailing the range of concepts evaluated and why the final concept was chosen and capturing any feedback from the CER for incorporation into the design safety case.</p> <p>7.2.2 Section 7.2.2.1 requires safety case to be updated in event of “Material Change” which includes the definition, a “<i>change to manning levels either up or down</i>”. Allowance should be given for normal operation changes in manning</p>

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				levels associated with e.g. project work, shutdowns, etc.
28.	Please comment on the proposed approach for a Well Work Safety Permit and supporting safety cases.			<p>7.3.2 Requiring 3 safety cases for the drilling of an exploration/appraisal well seems unduly complicated and is likely to lead to delays. Is it the drilling activity or the drilling facility which will be designated? As a well is simply the physical result of a drilling operation, it is suggested that the term “Drilling Safety Case” be adopted to include:</p> <ul style="list-style-type: none"> • Well Design & Engineering • Drilling Program • Drilling Equipment (i.e. Rig) <p>Par 7.3.2.3 envisages potential changes to a well safety case during drilling operations – CER need to be resourced during drilling to deal with 24/7 operations and not cause any unnecessary delays.</p> <p>Use of the word ‘non production’ safety case is confusing – this should be changed to ‘drilling’ safety case.</p>
29.	Please comment on the proposed approach for a Pre-Construction		No	7.3.3 Pre-Construction Safety Permit

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	Safety Permit and supporting safety case.			<p>This effectively gives the regulator a sign-off on design approval for a project, before construction begins. This may be coincident with Plan of Development approval but would require design development to a greater level of detail.</p> <p>See also response to Q27.</p>
30.	Please comment on the proposed approach for a Production Safety Permit and supporting safety cases.	Yes		<p>7.3.4.2 Production Safety Case: It is stated that a “separate safety case would be required for an onshore receiving terminal...” If this site was a Seveso Site, would a single safety case satisfy both HSA and CER??</p> <p>Note that management and operation of wells, once commissioned, falls within Production Safety Case.</p>
31.	Please comment on the proposed approach for a Combined Operations Safety Permit and supporting safety case.	Yes		<p>7.3.5 Combined Operations Safety Case</p> <p>A separate S.C. is required for combined operations e.g. a rig adjacent to a platform. It could be argued that these types of operations (SIMOPS – or simultaneous operations) should already be covered in the Production Safety Case.</p>
32.	Please comment on the proposed approach for a Decommissioning Safety Permit and supporting safety case.	Yes		<p>7.3.6.1 Section 7.3.6.1 states “<i>It is not proposed that a Decommissioning Safety Case would be</i></p>

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				<i>required for a non-production unit</i> '. Does this mean that after completion of blowdown- a platform can be considered as 'non-producing', and therefore not requiring a supporting safety case submission for subsequent decommissioning activities?
33	Comments are welcome on how the CER should approach safety case assessments.			<p>7.4.2: Safety Case Assessment Team: CER recognise that it is impractical that the CER have all technical resources available in house – it is not clear what level of resourcing is envisaged.</p> <p>However, given the very low level of petroleum based activity in Ireland it is suggested that the CER should employ external resource for technical assessment e.g.</p> <ul style="list-style-type: none"> • HSA technical resources (have personnel with similar skills in COMAH Unit) • Recognised agencies such as Lloyds, DNV.
34.	Respondents' views are invited on how the 5 year safety case review process should be implemented, including comment on the options presented for the review process, and suggested alternatives.			<p>7.4.3 Review of Safety Cases</p> <p>The approach adopted in UK in 2005 of a thorough review every 5 years is preferable.</p>

Question/ Proposal		Do you agree?		Comments
		Yes	No	
35.	Please comment on the above proposals regarding co-ordination of the CER permissioning system with other statutory processes.			<p>7.5 Co-ordination with other statutory processes. Given the complexity of the proposed S.C. regime, it is essential that a clear interface document is prepared to show:</p> <ul style="list-style-type: none"> • Sequence of permissions and authorisations • Precedence i.e. which permissions are needed in which order. • Timing – how long will the review periods be?
Section 8: Compliance Assurance				
36.	Please comment on the CER's proposed broad scope and approach to audit and inspection of petroleum undertakings?	Yes		8.1.1 Guidance required on the safety performance indicators referenced in section 8.1.1 that the CER expect to audit.
37.	Please comment on the proposal that CER's inspectors can be a mixture of both in-house staff and third party independent competent persons.	Yes		Agree that a co-ordinated approach to be taken to optimise use of existing technical resources and control costs.
38.	Should the CER seek to co-ordinate its audit and inspection activities	Yes		8.1.2 Common inspections e.g. HSA on behalf of

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	with other statutory bodies where possible?			CER, where feasible would be preferable.
39.	The CER is interested in respondents views on whether the audit and inspection schedule should be risk-based and involve a few visits per facility per year, or should be undertaken on a prescriptive frequency and, if so, what frequency?			8.1.3 Inspection Frequency – this should be risk-based, i.e. not based on a fixed frequency.
40.	Please comment on the CER proposal that a Verification Scheme should form part of the Compliance Assurance system of the Petroleum Safety Framework.	Yes		Agree with approach
41.	Do you agree that if verification is adopted, that the verifier should be a third party independent person referred to as an Independent Competent Person (ICP)? Please comment.	Yes		8.2.1 The use of an Independent Competent Party (ICP) is considered preferable, as this would facilitate alignment of standards with other jurisdictions.
42.	If the ICP approach is adopted by the CER, who should contract the ICP – the CER or the petroleum undertaking?			Petroleum undertaking
43.	Do you think that approval of the ICP is required and, if so, by whom?			Suggest CER has to approve “recognised ICP’s” to ensure credibility.
44.	Should the CER, or a 4 th party audit the verification scheme?			CER should undertake this role themselves.
45.	Do you agree with the CER proposal that the Scope of Verification should be hardware Safety Critical Elements?	Yes		Agree in general but SCE’s must be identified by undertaking; definition of ‘hardware’ to be reviewed.
46.	Do you agree with the CER proposal to apply the verification scheme	Yes		Agree with approach.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	offshore and onshore?			
47.	Do you agree with the CER proposal to apply the verification scheme throughout the lifecycle of petroleum infrastructure? Please comment.	Yes		Agree in general; a modified approach may be appropriate for decommissioning.
48	Do you agree with the CER view that a separate well examination scheme and well management audit scheme should operate? Who should conduct this scheme? Please comment.		No	<p>8.2.3.1 Well Examination Scheme</p> <p>It is noted that a separate Well Examination Scheme is put in place – not clear how this interfaces with the Well Safety Case requirement (Sec. 7.3.2.2) – need to avoid duplication.</p>
49.	Should ALARP be explicitly included within the verification scheme guidance? Please comment.	Yes		<p>8.2.3.2 Scheme Emphasis</p> <p>It is proposed here that an ICP should “comment on both the suitability of the chosen design concept..... and robustness of provisions to maintaining risks ALARP”.</p> <p>This introduces an additional layer of review at a very early stage of the development process, which will have both a time and cost impact (See also comment to 7.3.3 – Q27).</p>
50.	The CER is interested in respondent’s views on whether the CER should approve the verifications scheme in the scenario where the petroleum undertaking contracts the ICP?	Yes		<p>8.2.4 Approval of Verification Scheme</p> <p>It would be preferable that Verification Scheme (or principles of it) is accepted by CER prior to implementation – otherwise the risk of non-acceptance at a later stage, which would be</p>

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				more problematic.
51.	Do you agree with the CER proposal to introduce a balanced set of leading and lagging indicators within the Safety Case Guidelines for routine reporting by the petroleum undertaking to the CER? Please comment.	Yes		Agreed – indicators to be identified in discussions with petroleum undertakings.
52.	Please comment on the appropriate means for ensuring compliance by petroleum undertakings with their general duties, and the CER's proposed approach to monitoring.			No comment
Section 9: Petroleum Incidents				
53.	<p>Please comment on the proposals for the following to be to be classified as petroleum incidents to be notifiable to the CER:</p> <ul style="list-style-type: none"> • All events/occurrences that result in the loss of human life; • Those events/occurrences which result in a personal injury to a member of the general public; • Those events/occurrences which result in personal injury which relate to a major accident hazard; • All events/occurrences that result in damage to the structural integrity of petroleum infrastructure; • All events/occurrences that result in the structural integrity of petroleum infrastructure being compromised; and • Near misses which have the potential to cause a major accident including the failure of plant and equipment or procedural failures which could have the potential to cause a 	Yes		9.1.2.3 Reasonable Approach – need to define what “near-misses” are reportable e.g. process safety management (PSM) incidents?

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	major accident or could significantly impair an undertaking's response to a major accident.			
54.	Please comment on the CER's proposed approach to the investigation of petroleum incidents and follow up actions.			9.2 Same comment as for Q53: need clarity on "near misses" that are reportable to the Minister and to the public.
55.	Please comment on the proposal that the CER will seek to liaise and co-operate with other relevant authorities in the incident investigation process?	Yes		Agree with approach.
Section 10: Agreed Regulatory Interfaces and Co-operation				
56.	The CER are interested in respondents' comments on the proposed interface, co-ordination and co-operation arrangements. Specifically are such arrangements beneficial and are there other authorities the CER ought to have such arrangements in place with?			10.1 The issue of interface/overlap with other Regulatory Authorities is absolutely key to the efficient and effective functioning of the proposed Petroleum Safety Framework. In order for the Upstream Industry to start to regain confidence in the Irish upstream permitting regime there must be absolute clarity as to which authorities have jurisdiction over which activities and that the same issues are not separately evaluated by different authorities using different methodologies. If the intent of the legislation is that the CER shall have the responsibility to adjudicate on major accident hazards for an upstream

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				<p>development than it should have that responsibility exclusively and other authorities should not become involved in the assessment of major accident hazards.</p> <p>If it is necessary, then legislation amending the specific legal functions of other authorities should be introduced so there is absolute clarity on this issue and responsibilities are clear.</p> <p>That said we support the concept of close cooperation between the regulatory authorities and information sharing to facilitate the timely award of permits. It is important that various permits can be applied for in parallel to avoid an overly extended permitting process.</p> <p>10.0 Proposal to develop and publish “co-ordination agreements” with other agencies is reasonable.</p>
57.	Please comment on the proposals for information sharing under the interface, co-ordination and co-operation arrangements?			Clear definition to be made on purpose of ‘sharing’ information and types of data concerned. Undertakings to be advised.
58.	Please comment on the proposals for greater alignment of the permissioning processes under different statutory regimes and inclusion for the interface, co-ordination and co-operation within			<p>10.2.2 Alignment of permissioning processes</p> <p>As stated previously (Ref 7.5)</p> <p>It is essential that a clear roadmap is prepared</p>

Question/ Proposal		Do you agree?		Comments
		Yes	No	
	arrangements with other statutory authorities.			<p>to remove any ambiguity regarding authority of various agencies in the permitting process. This should include clear statements regarding</p> <ul style="list-style-type: none"> • Jurisdiction i.e. who has primary responsibility • Scope – what is limit of each authority's function • Timing – what are the timings involved <p>[And will these be on a statutory basis?]</p> <p>See also response to Q56</p>
59.	Please comment on the proposals for co-ordinated audits/inspections and related information exchange under the interface, co-ordination and co-operation arrangements.			No comment
Section 11: Enforcement				
60.	Please comment on CER's proposals on enforcement. In particular the proposals with respect all persons included on a petroleum authorisation submitting a joint safety case			<p>11.2 Kinsale Energy recognises and accepts the joint and several nature of the obligations imposed on Lessees under a petroleum lease. The proposal by the CER to hold duty holders jointly and severally responsible for the discharge of duties under the Act mirrors their</p>

Question/ Proposal		Do you agree?		Comments
		Yes	No	
				<p>responsibilities under a petroleum lease.</p> <p>Kinsale Energy queries whether the absolute requirement in the proposal to have each duty holder sign the one application for a safety case is essential to meet the proposal to hold duty holders jointly and severally responsible for the discharge of their duties under the Act. As a disclosed agent, the operator could expressly submit the safety case application on behalf of all duty holders which would have the same legal effect as requiring each to sign.</p> <p>Kinsale Energy suggests that the alternatives of duty holders submitting a joint application or their agent operator doing so on their behalf be provided by the CER for safety case applications</p>
Section 12: Safety Reporting and Published Safety Information				
61.	Please comment on the CER proposals for the publication and content of the Annual Report on the Petroleum Safety Framework			12.1 Specify level of detail proposed to be published.
62.	Please comment on the CER proposals for the information it intends to publish			12.2 Specify level of detail proposed to be published.

Question/ Proposal		Do you agree?		Comments
		Yes	No	
63.	The CER is interested in respondents views on the criteria the CER should apply when considering an application by petroleum undertakings on the exclusion of certain information.			12.3 Note requirement that a Safety Case may be made available to a member of the general public, on request, with some allowance for “exclusions”. The criteria governing exclusion should include facility security and personnel privacy
Section 13: Continuous Improvement				
64.	The CER is interested in respondents views on the proposed approach to continuous improvement	Yes		There does not appear to be a provision for “user-feedback” in the proposed inputs. Suggest a formal consultation form is established to allow regular feedback from petroleum undertakings on performance/effectiveness of PSF.

Submission by: PSE Kinsale Energy Limited

23/9/2011